

1 ALISON BRASIER, ESQ.
Nevada Bar No. 10522
2 **HICKS & BRASIER, PLLC**
2630 S. Jones Blvd.
3 Las Vegas, Nevada 89146
4 Phone: (702) 628-9888
5 Fax: (702) 960-4118
E-Mail: ABrasier@lvattorneys.com
6 *Attorneys for Monarrez Defendants*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9
10 TDC SPECIAL INSURANCE COMPANY,
a District of Columbia Corporation.

11 Plaintiff

12 v.

13 CLEMENTE MONARREZ, Individually,
14 and as Special Administrator of the
ESTATE OF MARTIN MONARREZ,
15 deceased; LUCIA MONARREZ DE
HERRERA, PREFERRED CARE WEST II,
16 INC. D/B/A MISSION PINES NURSING
AND REHABILITATION CENTER;
17 FACILITY IMS, LLC, Does 1-20 and Roe
Corporations 1-20, Inc.
18

19 Defendant(s)
20

Case No. : 2:24-CV-00508-MDC

**STIPULATION AND PROPOSED
ORDER TO STAY DISCOVERY**

21 Plaintiff TDC SPECIAL INSURANCE COMPANY, by and through its attorney,
22 JUSTIN HEPWORTH, ESQ., and Defendants CLEMENTE MONARREZ, Individually, and
23 as Special Administrator of the ESTATE OF MARTIN MONARREZ, deceased; LUCIA
24 MONARREZ DE HERRERA (collectively "Monarrez Defendants"), by and through their
25 attorney, ALISON BRASIER, ESQ., hereby stipulate and request an Order staying discovery in
26 this matter pending resolution of TDC SPECIALTY INSURANCE COMPANY'S MOTION
27 FOR SUMMARY JUDGMENT (ECF No. 51).
28

1 On September 11, 2024, Plaintiff filed its Second Amended Complaint (ECF No. 32)
2 adding PREFERRED CARE WEST II, INC. D/B/A MISSION PINES NURSING AND
3 REHABILITATION CENTER and FACILITY IMS as defendants in this matter.

4 On September 25, 2024, the Monarrez Defendants filed their Answer to Plaintiff's
5 Second Amended Complaint (ECF No. 37).

6 On November 12, 2024, Default was entered against Defendant PREFERRED CARE
7 WEST II, INC. D/B/A MISSION PINES NURSING AND REHABILITATION CENTER
8 (ECF No. 40).

9 On November 26, 2024, Suggestion of Bankruptcy and Notice of Automatic Stay was
10 filed on behalf of Defendant FACILITY IMS (ECF No. 41).

11 On March 4, 2025, Notice of Order Granting Motion for Relief from Bankruptcy Stay
12 (ECF No. 43) was filed, allowing the above-captioned declaratory relief action to proceed
13 against Defendant FACILITY IMS.

14 On March 6, 2025, this Court entered an Order lifting the stay of this declaratory relief
15 action (ECF No. 44)

16 On March 26, 2025, the Court granted the parties' Proposed Amended Discovery Plan
17 and Scheduling Order (ECF No. 47), establishing October 2, 2025 as the deadline for
18 disclosure of initial experts; November 1, 2025 as the deadline for rebuttal experts, and
19 December 1, 2025 as the close of discovery.

20 In light of the time that the bankruptcy stay was in place in this case, Defendant
21 FACILITY IMS had until April 12, 2025 to file an answer or responsive pleading to Plaintiff's
22 Second Amended Complaint.

23 On May 20, 2025, Default was entered against Defendant FACILITY IMS (ECF No.
24 50).

25 On July 9, 2025, Plaintiff filed TDC SPECIALTY INSURANCE COMPANY'S
26 MOTION FOR SUMMARY JUDGMENT (ECF No. 51).

27 On July 9, 2025, Plaintiff filed TDC SPECIALTY INSURANCE COMPANY'S
28 APPLICATION FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANT

1 PREFERRED CARE WEST II, INC. D/B/A MISSION PINES NURSING AND
2 REHABILITATION CENTER AND DEFENDANT FACILITY IMS, LLC (ECF No. 52).

3 On July 30, 2025, the Monarrez Defendants filed OPPOSITION OF DEFENDANTS
4 CLEMENTE MONARREZ, AND LUCIA MONARREZ DE HERRERA TO PLAINTIFF
5 TDC SPECIALTY INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT
6 (ECF No. 53).

7 On August 11, 2025, Plaintiff filed TDC SPECIALTY INSURANCE COMPANY'S
8 REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT (ECF No. 54).

9 The instant case is a declaratory relief action filed by Plaintiff for determination of
10 whether it must provide insurance coverage for personal injury claims that the Monarrez
11 Defendants have brought against Defendant PREFERRED CARE WEST II, INC. D/B/A
12 MISSION PINES NURSING AND REHABILITATION CENTER and Defendant FACILITY
13 IMS, LLC in a separate state court action.

14 Both Defendant PREFERRED CARE WEST II, INC. D/B/A MISSION PINES
15 NURSING AND REHABILITATION CENTER and Defendant FACILITY IMS, LLC have
16 filed for bankruptcy relief.

17 Plaintiff's Motion for Summary Judgment (ECF No. 51), if granted, would be
18 dispositive of the entire case.

19 The parties agree that Plaintiff's Motion for Summary Judgment can be decided without
20 additional discovery, unless otherwise determined by this Court.

21 Plaintiff's Motion for Summary Judgment is fully briefed and pending decision by this
22 Court.

23 The parties agree that no prejudice will result by granting the stipulation to stay
24 discovery at this juncture. In order to avoid the hardship and expense the parties would suffer
25 were this case to continue with discovery pending decision on Plaintiff's Motion for Summary
26 Judgment, the parties agree and stipulate to stay discovery this action pending the Court's
27 decision on Plaintiff's Motion for Summary Judgment (ECF No. 51).

1 Staying the discovery in this matter will prevent unnecessary costs and resources from
 2 being expended on discovery, including expert costs, that will be needed if the case were to
 3 move forward while this Motion is pending. It will almost certainly result in efficiencies in
 4 time, resources, and money for both the parties and the Court, pending the Court's decision.

5 This request for stay is not brought in bad faith or for the purposes of delay.

6 In the even that the Motion for Summary Judgment (ECF No. 51) is denied, the parties
 7 agree to meet and confer no later than 14 days after the Court enters its Order and that an
 8 amended discovery plan will be submitted no later than 30 days after the Court enters its Order.

9 IT IS HEREBY STIUPLATE by and between the parties as follows:

10 THAT discovery shall be stayed pending decision on Plaintiff's Motion for Summary
 11 Judgment (ECF No. 51).

12 THAT upon the Court's Order resolving Plaintiff's Motion for Summary Judgment
 13 (ECF No. 51), if the Motion is denied, the parties shall meet and confer no later than 14 days
 14 after the Court enters its Order and that an amended discovery plan will be submitted no later
 15 than 30 days after the Court enters its Order.

16
 17 DATED this 21st day of August 2025.

DATED this 21st day of August 2025.

18 **HICKS & BRASIER, PLLC**

CLYDE & CO US LLP

19
 20 /s/ Alison Brasier
 21 ALISON BRASIER, ESQ.
 22 Nevada Bar No. 10522
 23 2630 S. Jones Blvd.
 Las Vegas, Nevada 89146
Attorneys for Monarrez Defendants

/s/ Justin Hepworth
 JUSTIN S. HEPWORTH, ESQ.
 Nevada Bar No. 10080
 7251 W. Lake Mead Blvd., Ste. 430
 Las Vegas, NV 89128
Attorneys for Plaintiff

ORDER

Based on the stipulation of the Parties, the totality of the circumstances before the Court and with good cause shown, IT IS SO ORDERED.

The Court finds the parties have shown good cause to stay discovery



Hon. Maximiliano D. Couvillier, III
UNITED STATES MAGISTRATE JUDGE

Dated: August, 28, 2025